

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,
ON WEDNESDAY, NOVEMBER 14, 2001.**

Members Present: Peter Lilienfield
William Hoffman
Walter Montgomery, Secretary

Member Absent: Jay Jenkins

Also Present: Lino Sciarretta, Village Counsel
Ralph Mastromonaco, Planning Board Consultant
Joseph Elliot, Ad Hoc Planning Board Member
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Applicants and other persons mentioned in these Minutes.

IPB Matters Considered:

94-03 - Westwood Associates Development, Inc.
Sht.10, P25J2, 25K2, Sht.10C, B1.226
Lots 25A, 26A, Sht.11, P-25J

00-28 – Bridge Street Properties, LLC
Sht.3, P-103

01-36 – Yen & Elsie Wong
Sht.13, P-37

01-39 – Peter Derby
Sht.12B, Lot 40 & 42

00-40 – Astor Street Associates, LLC
Sht.10B, B1.230, Lot 22C

01-41 – James R. Gleason & Kathleen Gleason
Sht.14, B1.224, Lot 1, 6, 4D

01-42 – Jason & Susan Barnett
Sht.8, B1.220, Lot 1

01-45 – Larry & Ronna Rudolph
Sht.12B, Lot14

01-46 – Todd & Robin Juenger
Sht.7A, Block 231, Lot 9, 22, 23

01-47 – Simon & Vesna Luburic
Sht.10F, Block 253, Lot2

01-48 – Frank Racanelli
Sht.10, Lot P-17, 18

01-49 – Alan & Allyson Felix
Sht.10C, Block 226, Lot 18, 17

01-50 – Richard & Marybeth Alpern
Sht.10D, Block 240, Lot 2, 3

01-51 – Paul Walker
Sht.5, Block 212, Lot 9-10

01-52 – Gregory & Delia Smalter
Sht.12A, Lot P-94, 95

01-53 – Jeff & Tracy Halpern

Sht.10, Lot P-100

01-54 – Sally Frank and Steven Mermelstein

Sht.13, Lot P-129

01-55 – Patrick & Randy Hanlon

Sht.4, Block 206, Lot 15C

01-56 – Tara & John Mascone

Sht.13B, Lot P-5B

**Carried over to
December:**

01-36 Danfor Realty – Harriman Road, for regular meeting
on December 5

94-03 Westwood Development Associates for special meeting on
December 12.

The Chairman called the meeting to order at 8:10 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of Notice to Affected Property Owners.

IPB Matter # 01-36:

**Application of Yen & Elsie Wong for
Final Subdivision Approval for property at
36 Butterwood Lane East.**

Norman Sheer, Esq., represented the Applicants, who seek final subdivision approval; preliminary approval was granted at the Board's meeting of October 3, 2001. The application before the Board does not involve Site Plan Approval.

The Board reviewed Mr. Mastromonaco's memorandum of November 14, 2001. The Board determined that the lot coverage is within Code standards but the plan should be revised to read "Existing Public Water/Public Sewer."

The Chairman asked that the plat lines be verified and the resolution for final subdivision approval be revised to reflect that a new plat filing will not be made by the Applicant as the proposed subdivision precisely mirrors the prior subdivision. The resolution should then be resubmitted, with the Applicant returning on December 5.

Mr. Sheer requested that given the special historical circumstances surrounding this application for subdivision of a merged, family-owned property, the recreation fee required by the Village Code be waived. The Board agreed by a vote of 2 to 1 to the request but emphasized that the circumstances are unique and such waiver should not be deemed to be a precedent of any sort.

IPB Matter #94-03:

**Application of Westwood Development
Associates, Inc., for Limited Site Development
Plan Approval for property at Broadway,
Riverview Road and Mountain Road.**

Charles Pateman appeared on behalf of the Applicant.

The Chairman noted that the Board is now beginning the process for finalization of subdivision approval, and he cited the maps submitted by the Applicant for this purpose.

Drawings with revision dates as follows:

CS	Cover Sheet	10-15-01
NS-0.1	Notes Sheet	10-15-01
SP-1.1	Tract A Site Plan, Grading and Utility Plan	10-15-01
SP-1.3	Tract A Site Plan, Access Road & School Improve.	09-25-00
SP-1.5	Tract A Enlarged Scale	10-15-01
SP-1.5A	Tract A Enlarged Scale	10-15-01
SP-1.6	Map of Westwood	10-15-01
PR-2.1	Tract A Road & Driveway Profiles	10-15-01
PR-2.3	Tract A Driveway Profiles	10-15-01
ZB-4.1	Tract A Zoning and Building Envelopes	10-15-01
UP-5.1	Tract A Sanitary Sewer Profiles	10-15-01
UP-5.4	Tract A Stormwater Drainage Profiles	10-15-01
UP-5.5	Tract A Water Main Profiles	10-15-01
UD-6.1	Water Distribution Details	10-15-01
UD-6.2	Sanitary Sewer & Stormwater Drainage Details	10-15-01
UD-6.3	Stormwater Drainage & Landscaping Details	10-15-01
UD-6.4	Roadway and Sidewalk Details	10-15-01
EC-7.1	Tract A Erosion and Sediment Control Plan	10-15-01
EC-7.3	Erosion and Sediment Control Plan	09-25-00
LS-8.1	Tract A Landscape Plan	10-15-01
LD-9.1	Tract A Limit of Disturbance Plan	10-15-01
LD-9.3	Tract A Limit of Disturbance with Trees Plan	10-15-01

The Chairman suggested, and the other members concurred, that a Special Meeting of the IPB be held as a working session on December 12, 2001 at 8:00 p.m. for the purpose of reviewing the Applicant's plans and compliance with the resolution granting Preliminary Subdivision Layout and Limited Site Plan Development approval.

Mr. Mastromonaco said that at this time he has no major issues with the plans but indicated that the notes on the plans do not conform to the resolution. He said he will send the IPB his comments within approximately one week.

IPB Matter #01-41:

**Application of James R. Gleason & Kathleen
Gleason for Preliminary Subdivision Approval, Site
Development Plan Approval and Site Capacity
Determination for property at 115 South Broadway.**

Richard J. Blancato, Esq. represented the Applicant. This matter, a continuation, involves the proposed subdivision of a merged lot, in a Multi-Family Residential District at the corner of East Clinton Avenue and Broadway, into two building lots, one of which currently has a house.

The Chairman noted that the Applicant had submitted the data requested by the Board regarding site capacity for each property and the combined lot. He also cited Mr. Mastromonaco's memo of November 14, 2001. With respect to item #1 in that document, Mr. Mastromonaco asked that the property lines be clearly labeled as "property lines."

On motion made, duly seconded and approved, the Board determined that the site capacity of the existing property is 3 dwelling units, that the site capacity of proposed Lot A is 2 dwelling units, and that the site capacity of proposed Lot B (at the corner of Clinton and Broadway) is 1 dwelling unit.

The Chairman then noted that the proposed subdivision does not meet frontage or depth requirements of the Village Code. Mr. Marron indicated that he would issue a denial letter, which would permit the Applicant to proceed to the Zoning Board of Appeals.

The application will be continued.

IPB Matter #01-39:

**Application of Peter Derby for Resubdivision/
Lot Line Change for Lots 40 & 42, Legend
Hollow Subdivision.**

David Steinmetz, Esq. represented the Applicant. The application involves a proposed resubdivision to be effected through a lot-line change involving the conveyance of 4,494 square feet of property from Lot 40 of Legend Hollow to Lot 42.

The Applicant confirmed that the Derbys are now the owners of record of both Lots 40 and 42. The Board opened a public hearing on the application. There were no comments from the public. The hearing was closed. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

On a motion duly made and seconded, the Board approved the resubdivision, and authorized the Chairman and Secretary to sign the resubdivision plat entitled Re-Appportionment & Re-Subdivision Map prepared for Peter & Natalie Derby, prepared by Charles Riley, Land Surveyor, dated July 24, 2001.

IPB Matter #00-40:

**Application of Astor Street Associates, LLC
for Subdivision and Site Development Plan
Approval for property at Astor Street.**

Paul Sirignano, Esq. appeared for the Applicant.

The Board received revised plans (Cover Sheet CS and Site Plan SP-1, by Studio RAI, Architectural Design, PC, 2 sheets, October 31, 2001) from the Applicant which depicted a reconfigured site with a new on-site traffic flow and a wider driveway in the rear of the property to meet concerns of the Fire Department.

The Board continued the public hearing on the current Application. The newly submitted plans showed a reduction in the size of some parking spaces, but did not resolve the issue of parking spaces on and off site. The Chairman asked for a full accounting of the number of parking spaces that currently exist in the Metro North lot, the number of spaces that would be eliminated under the plan, any spaces that would be added (and their location) and other details of the parking. The Applicant indicated that the plans would be reissued and would resolve inconsistencies between the Plan and Cover sheet with regard to the parking. Details regarding transfer of additional property and/or easements between the MTA and the Applicant were also noted as being outstanding items that need resolution. The Applicant indicated that they were scheduled to appear before the Zoning Board with regard to requests for various interpretations or variances.

The Chairman said that after all outstanding issues are resolved, the Board can address changes to the Application and the SEQRA requirements. Mr. Sciarretta suggested that the Applicant open an escrow account, and the Board concurred.

The Board determined that the public hearing will continue.

IPB Matter 01-42:

**Application of Jason & Susan Barnett for Site
Development Plan Approval for property at
48 Ardsley Avenue West.**

Walter Nestler, Landscape Architect, represented the Applicant. This is an application for the construction of an in-ground swimming pool and spa, as well as the removal of approximately 1,000 square feet of existing paved terrace. Mr. Montgomery recused himself from consideration of this matter. A quorum on this matter was established with the presence of Brenda Livingston, ad hoc member of the IPB. The Board opened a public hearing.

The Chairman, Mr. Mastromonaco and Mr. Sciarretta all said that an architect or engineer must sign the application. Mr. Mastromonaco also stated that any remaining engineering issues can be handled by the Building Inspector and other officials, and that the current plans satisfactorily address setback requirements.

There being no comments from the public, the Board closed the public hearing. It determined that the application was for a proposal which is a Type II action under SEQRA.

On motion duly made and seconded, the Board granted site plan approval of plans entitled: Topographical Survey prepared by Aristotle Bournazos, P.C., dated March 29, 2001, and Site Plan for Pool, Mr. & Mrs. J. Barnett prepared by Walter G. Nestler ASLA, dated August 8, 20001, six (6) sheets.

IPB Matter #01-45:

**Application of Larry & Ronna Rudolph for
Waiver of Site Development Plan Approval for
Property at 56 Manor Pond Lane.**

Matthew Behrens, Architect, represented the Applicant. The application is related to a proposed expansion of an unenclosed deck attached to the Applicant's house, increasing the size of the existing deck from 394 sq. ft. to 594 sq. ft., and the construction of two stone retaining walls, 24" above grade, at the rear of existing residence. Plans entitled Expanded Deck, Rudolph Residence by Matthew Behrens dated September 18, 2001, three sheets (sheets A-1 and A-2 revised October 28, 2001) were submitted.

Mr. Marron indicated that the revisions requested by the Board had been made, and stated that the calculations provided on the Applicant's plans are accurate.

The Chairman said that the Board could approve the application with the stipulation that the Tree Preservation Commission review the tree proposed to be removed in the rear yard. Mr. Mastromonaco said he had no engineering concerns.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this application, subject to review of the proposed removal of the tree in the rear yard by the Tree Preservation Commission.

IPB Matter #01-52:

**Application of Gregory and Delia Smalter
For Site Development Plan Approval for
Property at One Osceola Avenue.**

The application involves the proposed construction of a new detached 864 sq. ft. three-car garage with a 407 sq. ft. studio/loft on the dormered upper one-half story level. The structure would be located at the end of the existing driveway. The scope of the project includes the removal of an existing 224 sq. ft. greenhouse. Plans submitted were: Smalter Residence, Site Plan, S-1 dated 10/29/01, and Sheets A-1 through A-6, dated October 31, 2001, prepared by Earl Everett Ferguson, Architect. Mr. Ferguson represented the Applicant.

The Chairman noted that the property is in both Dobbs Ferry and Irvington. Mr. Sciarretta, after discussion with the Board and Mr. Ferguson, determined that Dobbs Ferry did not need to receive notification.

It was determined that the proposed structure was not a dwelling unit due to the lack of “complete housekeeping facilities” (ie. no full kitchen facilities). Discussion revolved around whether it was an “outbuilding” or “accessory structure” under the Village Code. As a result, the Board determined that the project should be referred to the ZBA for interpretation, but that the Board could still take action subject to the Zoning Board’s determination.

The Chairman, with the Board’s concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval subject to the Zoning Board’s interpretation or issuance of a variance, as needed, with regard to the proposed structure being an outbuilding or accessory structure.

IPB Matter #01-51:

**Application of Paul Walker for Waiver of
Site Development Plan Approval for property
at 12 South Ferris Street.**

The owners propose to construct a new dormer measuring 8 feet by 25 feet on the east side of their existing garage structure. The addition would not increase the footprint of the existing building. Increase to the total volume of the proposed addition would be 300 cubic feet. There would be no increase in lot coverage resulting from the alterations. Plans entitled Snyder Walker Residence by Earl Everett Ferguson, Architect, dated October 29, 2001, three sheets, were submitted.

Earl Ferguson, Architect, represented the Applicant. Neither Mr. Marron nor Mastromonaco had any issues.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #01-46:

**Application of Todd and Robin Juenger
For Waiver of Site Development Plan Approval
for property at 20 Maple Street.**

Mrs. Juenger appeared on behalf of her and her husband. This application involves the proposed construction of an 8' 6" by 19' second-floor bathroom, with no increase in the

footprint of the house. Neither Mr. Mastromonaco nor Mr. Marron had any issues. Plan entitled Juenger by Robert Reilly, R.A. dated October 23, 2001, was submitted.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this application.

IPB Matter #01-47:

**Application of Simon and Vesna Luburic for
Site Development Plan for property
at northwest corner of Fieldpoint Drive and
Harriman Road.**

Rudolph Petrucelli, P.E., represented the Applicant, and Mr. Luburic appeared before the Board as well.

Site Development Plan Approval is being requested for a 56,785 square-foot parcel of land that is the second lot on the Approved Subdivision Map for Louis Goodkind. Plans entitled Proposed Site Plan by Petrucelli Engineering dated October 22, 2001 (two sheets) were submitted.

Mr. Petrucelli reviewed the construction and engineering plans for the property. The Chairman noted that the property was part of a larger parcel that had posed particular challenges for the Board, and therefore the Board needs to be extraordinarily careful in reviewing this application. Among other issues are tree removal, grading and the impact on and crossing of adjoining Village property.

Mr. Mastromonaco cited his memorandum of November 14, 2001 and the issues it raised, including the location of sewers, the bridge, erosion control and tree removal. The Chairman emphasized the need for specific data on topography, sewers and drainage.

Mr. Marron focused on the method of protecting the 100-year flood plain during and after construction; additional details were needed on the deck to be constructed, proposed grading, the walls to be built and the elevation of the proposed house.

The Chairman added that his main concern is the height of the proposed structure.

The Board set a site walk for Saturday, December 1st at 9:30 a.m. subject to the applicant staking the proposed location of the bridge and house. The matter was continued.

IPB Matter #00-28:

**Application of Bridge Street Properties, LLC for
Site Development Plan Approval for property
at One Bridge Street.**

The Board, Mr. Mastromonaco, Mr. Marron and Mr. Kirkpatrick continued the discussion from the September meeting regarding the parking spaces to serve the existing and proposed buildings. The Applicant noted that they are on the Zoning Board's November 28th agenda for an interpretation of, or variances from, the Zoning Ordinance with regard to the application.

Mr. Mastromonaco said a reduction in the size of the proposed parking spaces to 8.5' x 18' with sufficient maneuvering room would not be inconsistent with parking in similar developments in other municipalities. The Chairman raised the issue of possibly moving the access point into the parking lot on the north side of West Main Street, thereby creating more on-street parking for the Village. Plans by Paul J. Petretti entitled Two West Main Street prepared for Bridge Street Properties dated April 23, 2001, last revised October 29, 2001, Sheets SU-01, SU-02 and SU-03 and Plans by Paul J. Petretti entitled Site Plan prepared for Bridge Street Properties dated May 23, 2001, last revised October 27, 2001, Sheets SU-04, SU-05, SU-6 and SU-07, were submitted.

The Chairman requested that Mr. Mastromonaco write a letter to the Board stating his opinion that the reduction in size of the spaces below the Village's size requirements would be adequate and not pose health and safety problems, and that the overall parking plan is adequate.

The Board continued this matter.

IPB Matter #01-48:

**Application of Frank Racanelli for Site
Development Plan Approval for property
at 122 East Sunnyside Lane.**

Padriac Steinschneider represented the Applicant. The application involves the enclosure of an existing open porch totaling 114 square feet. The enclosure will create a new vestibule and expand an existing apartment. The total additional volume of the proposed work is approximately 7,800 cubic feet. The proposed additions will not increase the "footprint" of

the existing structure or the existing lot coverage. Plan entitled Racanelli Property by Gotham Design, LTD, dated October 31, 2001 was submitted.

The Chairman asked whether the elevation of the house would change. Mr. Steinschneider said it would, but Mr. Marron said the height poses no issue.

The Chairman asked whether this project involves the extension of a non-conforming structure, and when Mr. Marron said it does, the Chairman, with the concurrence of the Board, directed the Applicant should go to the Zoning Board for a variance. The Chairman stated that the Board could approve the application on the condition that the ZBA approved the proposed construction.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this application, subject to ZBA approval, as necessary.

IPB Matter #01-49:

**Application of Alan and Allyson Felix for
Site Development Plan Approval for property
at 66 Riverview Road.**

Susan M. Riordan, Architect, represented the Applicant. The application involves the proposed addition of both a family room of 478 square feet to the back of the existing residence and a 6' 8" portico over the existing front door. A front yard setback variance is being sought from the Zoning Board. Plans including: Survey of Property dated August 13, 1996 by Gerald T. O'Buckley, PLS; Site Plan Family Room Addition and Proposed Front Elevation, Family Room Addition, prepared by Susan M. Riordan, AIA, dated October 20, 2001 were submitted.

Mr. Mastromonaco said the project poses no engineering issues.

There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application subject to Zoning Board of Appeals approval of a front yard setback variance.

IPB Matter #01-50:

**Application of Richard and Marybeth Alpern
for Site Development Plan Approval for
Property at 2 Riverview Terrace.**

Mr. Gerald Markel, Architect, represented the Applicant. The application involves the proposed enlargement of an existing deck by 380 square feet, increasing the footprint of the house. Plans entitled Deck Addition to Alpern Residence by Gerald Markel, Architect, dated September 20, 2001, two sheets, were submitted.

There were no comments from the public. Mr. Marron said there are no concerns regarding trees or coverage.

The Board determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site

exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application subject to confirmation by the Building Inspector that the deck and its footings would not extend into the area defined by the dripline of the adjoining tree.

IPB Matter #01-53:

Application of Jeff and Tracy Halpern for Site Development Plan Approval for property at 20 Strawberry Lane.

Tracy Halpern appeared on her own behalf before the Board to address the application. The waiver is sought for an existing prefabricated cedar shed, 11.5 ft. x 20 ft. Applicant submitted: Survey of Property prepared for Jeffrey and Tracy Halpern revised October 17, 2001 by Thomas C. Merritts, PLS, with additional copies, photographs and a transparency of the shed.

Mr. Marron said that there are neither setback nor coverage issues. Mrs. Halpern said no trees have or will come down in connection with this project.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the

Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #01-54:

**Application of Sally Frank and Steven Mermelstein
for Site Development Plan Approval for
property at 3 Ardsley Avenue East.**

Mr. Tobias Guggenheimer, Architect, appeared on behalf of the Applicant. The application pertains to a two-story addition of 980 square feet on two floors and a 370 square-foot patio. Plans submitted were Frank-Mermelstein Residence, 4 sheets, dated 10/30/01 by Tobias Guggenheimer, Architect, PC.

The Chairman cited Mr. Mastromonaco's memorandum of November 14, 2001, noted that a variance is required for the setback along Ardsley Avenue, but that there are existing variances for the garage and parking located off of Broadway. Mr. Marron said that he has received the survey that had been missing from the Application. Mr. Mastromonaco said the sewer, water and drainage data should be drawn on the site plan.

The Chairman, with the Board's concurrence, indicated that the magnitude of the proposed expansion required Site Development Plan approval. The Board determined that the application was complete, and set a public hearing at the Board's December meeting. The Building Inspector was asked to contact the Tree Preservation Commission with regard to the tree near proposed extension.

The Board continued this matter.

IPB Matter #01-55:

**Application of Patrick and Randy Hanlon for
Site Development Plan Approval for property
at 30 South Cottenet Street.**

Mr. Tobias Guggenheimer, Architect, appeared for the Applicant. The application pertains to the construction of a two-story addition to an existing residential structure, increasing the total floor area by about 350 square feet. Plans submitted were: Hanlon & Hersh Residence by Tobias Guggenheimer, Architect P.C. dated August 15, 2001, three sheets.

Mr. Marron cited Mr. Mastromonaco's memorandum of November 14, 2001 and said that coverage issues had been satisfactorily resolved. Mr. Guggenheimer said the Applicant already had a variance for the sideyard setback.

A neighbor, Mr. John Tunis, expressed concern about the proposed change in the roofline and its impact on his view of the horizon, saying that the overhang should be reduced. Mr. Marron said that the project meets height requirements of the Village Code. The Chairman also pointed out that the Applicant still must go before the Architectural Review Board for approval of the project.

Mr. Tunis also noted his concern about how construction equipment will access the site without disturbing his property. The Chairman said that the Applicant cannot intrude on

anyone else's property without permission, and Mr. Marron stated that the Applicant had satisfactorily addressed the issue of access.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #01-56:

**Application of Tara and John Mascone
For Site Development Plan Approval for
Property at 1 Shady Lane.**

Mr. Tobias Guggenheimer, Architect, appeared for the Applicant, who intends to enlarge an existing single-family home by extending the basement and first and second stories horizontally by approximately 20 feet. Plans submitted were Mascone Residence, 4 Sheets, dated 10/30/01 by Tobias Guggenheimer, Architect, PC.

The Chairman cited a letter from a neighbor of the Mascones, Elizabeth Enochs, in support of the proposed addition. Questions regarding setbacks and trees were resolved with Mr. Marron, and Mr. Mastromonaco said his issues, noted in his memorandum of November 14, 2001, were adequately addressed.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

The Board then considered the following administrative matters:

The Board set December 5, 2001 as the date for its next regular meeting, and December 12, 2001 for a Special Meeting for Westwood Development Associates.

The Board then reviewed minutes of its September 5th and October 3rd Regular Meetings and the October 9th Special Meeting. With one change in the October 3rd minutes, the Board approved all three sets of minutes.

The meeting was adjourned at 11:07 p.m.

Respectfully submitted,

Walter Montgomery, Secretary